

OGC HAS REVIEWED.

Approved For Release 2000/08/30 : CIA-RDP81-00314R000600010016-3

OGC 77-5606
1 September 1977

MEMORANDUM FOR : [REDACTED]
Office of Legislative Counsel

FROM : [REDACTED]
Office of General Counsel

SUBJECT : H.R. 5544

STATINTL

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1. You requested that this Office consider a bill, H.R. 5544, currently before the House of Representatives and to render an opinion as to whether or not the Agency will be affected by this bill.

2. It should be noted that the operative sections of the bill on page 3, (Section 2(a)(2), (b)(1)) are geared to the definition of "agency" set forth in section 5102(a)(1) of Title 5. Section 5102 defines "agency" in terms specifically excluding the Central Intelligence Agency. Therefore, to the extent that the bill would terminate the authority of "agencies," it would not so terminate authority possessed by CIA, because CIA is not within the meaning of the term "agency" as used in the bill. Consequently, the group of agencies which would henceforth be limited to the authorities contained in Section 5108 (regarding classification of positions of GS-16, GS-17 and GS-18) and Section 3104 (regarding employment of specially qualified scientific and professional personnel) will not include the Central Intelligence Agency. The result, therefore, is that CIA should be at liberty to employ whatever authority it now has in these areas whether or not the subject legislation is passed.

3. The first section of the bill dealing with the referral of matters relating to the civil service to the Committee on Post Office and Civil Service of the House, may pose some threat to the Agency because the term "Federal civil service" is apparently broad enough to include the excepted service. The Agency, of course, is interested in concentrating oversight of all its affairs within single committees of the respective houses, or possibly a joint committee, and, therefore, any fragmentation of that oversight should probably be resisted. However, because the bill makes it clear that in making

such a change in the rules the House would be relying upon its plenary power to change the rules, this part of the bill probably cannot be attacked directly but rather only through reaching an understanding with our current oversight committees.



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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

OLC

EXTENSION

5479

NO.

DATE

2 September 1977

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director of Personnel
5E58 HDQS 6 SEP 1977

7 SEP 1977

Attached for your consideration is a memo which the Office of General Counsel has submitted on H.R. 5544. If you recall, you requested that OGC be asked to provide a legal opinion on lines 4-8 on page 3 of the bill.

2.

ODP 2. / PC

9/8/77

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DLG

STATINTL

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